IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 3RD JANUARY 2007 / 13TH PAUSHA 1928

WP(C).No. 366 of 2007(R)

PETITIONER:

THE REGIONAL PROVIDENT FUND COMMISSIONER,
EMPLOYEES PROVIDENT FUND ORGANIZATION,
REGIONAL OFFICE, THIRUVANANTHAPURAM.

BY ADV. SRI.N.N. SUGUNAPALAN, SC, P.F.
SMT.T.N.GIRIJA, SC,EPF ORGANISATION

RESPONDENTS:

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1. K.T.THOMAS, PALAVILA VADAKKETHIL,
KALLUMTHAZHAM.P.O.,
KILIKOLLOOR, KOLLAM.

2. THE CONSUMER DISPUTES REDRESSAL FORUM,
KOLLAM - REPRESENTED BY ITS SENIOR SUPERINTENDENT.

3. THE KERALA STATE CONSUMER DISPUTES REDRESSAL
COMMISSIONER, THIRUVANANTHAPURAM
REPRESENTED BY ITS REGISTRAR.

4. THE CHIEF MANAGER,
STATE BANK OF INDIA, MAIN BRANCH,
KOLLAM.

BY GOVERNMENT PLEADER - ADV. SHRI.I.V.PRAMOD
SC - ADV. SHRI. M.K.C.DAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 03/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.(C)NO. 366 OF 2007

Dated this the 3rd day of January, 2007

J U D G M E N T

The petitioner is challenging Ext.P9 order, issued by CDRF, Kollam on Execution Petition filed by the 1st respondent, attaching Rs. 1,09,478/- from the accounts maintained by the petitioner with the 4th respondent Bank and directing the Bank to deposit the attached amount with the CDRF. I feel, even if the 1st respondent is heard in the matter, this court has to interfere with Ext.P9 order for the reasons stated below. If notice is issued to the 1st respondent, the same will only cause expenditure to him and delay in completion of Execution Petition. The impugned order is seen passed in the E.P., which is pending before the CDRF. Therefore, I proceed to dispose of the matter without issuing notice to 1st respondent. The CDRF in E.P. should first determine the actual amount payable under the award after hearing petitioner also. I do not find any justification for advance attachment of the bank account of a Central Government agency before even determining actual amount payable because attachment is required only when recovery is otherwise difficult. The writ petition is, therefore, allowed vacating Ext.P9 but with direction to

the CDRF to hear the petitioner's objections in the E.P. filed by the 1st respondent and pass order determining the amount payable by the petitioner within six weeks from today. There shall be a direction to the petitioner to deposit the amount determined by CDRF within a week from the date of their order failing which CDRF will inform the matter to this Court through the High Court Registry. Petitioner will produce judgment and co-operate in the proceedings before CDRF.

C.N.RAMACHANDRAN NAIR, JUDGE

jg